

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re

SMITH BARNEY TRANSFER AGENT  
LITIGATION

This document relates to: all actions

05 Civ. 7583 (WHP)  
ECF case

**DECLARATION OF BRIAN A. SUTHERLAND  
IN SUPPORT OF MOTION FOR JUDGMENT ON THE PLEADINGS  
THAT THE NEWLY NAMED PLAINTIFFS' CLAIMS ARE TIME-BARRED**

I, Brian A. Sutherland, hereby declare as follows pursuant to 28 U.S.C. § 1746:

1. I am associated with the law firm Wilmer Cutler Pickering Hale and Dorr LLP, counsel for defendants Citigroup Global Markets Inc. and Smith Barney Fund Management LLC (together, the “Citi Defendants”) in the above-captioned action. I submit this Declaration in support of Defendants’ Motion for Judgment on the Pleadings That the Newly Named Plaintiffs’ Claims Are Time-Barred.

**First Consolidated and Amended Complaint**

2. Attached as Exhibit A is a true and correct copy of the Consolidated and Amended Class Action Complaint filed in this action on June 2, 2006 [dkt. no. 55].

3. Attached as Exhibit B is a true and correct copy of the Citi Defendants’ Answer to the Consolidated and Amended Class Action Complaint filed in this action on March 10, 2011 [dkt. no. 126].

4. Attached as Exhibit C is a true and correct copy of defendant Lewis E. Daidone’s Answer to the Consolidated and Amended Class Action Complaint filed in this action on March 10, 2011 [dkt. no. 127].

**Second Consolidated and Amended Complaint**

5. Attached as Exhibit D is a true and correct copy of the Second Consolidated and Amended Class Action Complaint filed in this action on May 5, 2011 [dkt. no. 129].
6. Attached as Exhibit E is a true and correct copy of the Citi Defendants' Answer to the Second Consolidated and Amended Class Action Complaint filed in this action on June 20, 2011 [dkt. no. 135].
7. Attached as Exhibit F is a true and correct copy of defendant Lewis E. Daidone's Answer to the Second Consolidated and Amended Class Action Complaint filed in this action on June 20, 2011 [dkt. no. 136].

**Third Consolidated and Amended Complaint**

8. Attached as Exhibit G is a true and correct copy of the Third Consolidated and Amended Class Action Complaint filed in this action on June 30, 2011 [dkt. no. 141].

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 8, 2011, in New York, New York.



Brian A. Sutherland